

REMARKS/ARGUMENTS

Initially, the Examiner will note that replacement drawings are provided herewith. These drawings differ in that the container in Figure 2 is now correctly labeled with reference numeral 7, consistent with Figure 1 and the written description.

Presently, claims 1-10 stand as rejected under 35 U.S.C. § 103(a). More specifically, claims 1-3, 5 and 7 stand rejected as unpatentable over U.S. Patent No. 4,866,949 to Rudick in view of U.S. Patent No. 7,083,071 to Crisp III et al.; claims 4 and 10 stand rejected as unpatentable over Rudick and Crisp, III et al. in further view of U.S. Patent Application Publication No. 2004/0124548 to Rona et al.; claims 6 and 8 stand rejected as unpatentable over Rudick and Crisp, III et al. in further view of U.S. Patent No. 4,850,269 to Hancock et al.; and claim 9 stands rejected as unpatentable over Rudick and Crisp, III et al. and Hancock et al. in further view of Rona et al.

Initially, it is noted that the present invention is directed to a refrigerator having a door-mounted carbonated water distributor which allows for still water or carbonated water to be dispensed from a single nozzle. Withdrawal of water is achieved in a conventional manner by acting on the dispenser 4, 5, 6. When the level of water in a container 7 reaches a predetermined water level, a level sensor 34 halts the feed of water and lights an indicator lamp. When the indicator lamp is lit, the user can, if desired, initiate the carbonation phase by pressing a pushbutton which activates a solenoid valve 26, enabling the CO₂ to flow from a cylinder 11 in the door to the container 7. See paragraphs 0016-0017 and Figure 2. In order to further prosecution, claim 1 has been amended to more particularly claim the ability of the present invention to selectively dispense both still and carbonated water. In addition, the remaining original claims have been reviewed and amended to more particularly point out and distinctly claim the invention, such as by removing potential lack of antecedent basis problems. Finally, new claims 11-20 have been added, with these claims generally corresponding to claims 1-10 respectively, but with claim 11 in a means-plus-function format.

In contrast to the present invention, Rudick does not disclose allowing a user to dispense still water rather than carbonated water from the output conduit 42 of carbonator unit 36. Additionally, as noted by the Examiner, Rudick does not teach a carbon dioxide cylinder being located within the door of the refrigerator and accessible as required in claim 2. Further, Rudick does not teach a carbonated gas cylinder connected to a water container via a solenoid valve as required in claim 3.

More specifically, with respect to claims 1-3, 5 and 7, the Examiner also relies upon Crisp, III et al., which is directed to a drink supply canister for a beverage dispensing apparatus. On page 3 of the Office Action, the Examiner notes that Crisp, III et al. discloses a cylinder in communication with a carbonation chamber via a needle valve, (referencing column 35, lines 11-26). However, Crisp, III et al. does not teach a cylinder and a water container connected via a **solenoid valve** as required by claim 3. Further, although the present invention does utilize a needle valve, it is upstream of the solenoid valve as required by claim 7. Regardless, Crisp, III et al. does not disclose a system wherein both still water and carbonated water can be selectively dispensed from a water container through a water dispenser as required by claim 1. Furthermore, it is unclear how the Examiner views Crisp, III et al. as addressing the limitations of claim 5. Clarification of this point is requested.

With respect to claims 4 and 10, the Examiner states that neither Rudick nor Crisp, III et al. discloses an “indicator means being provided so that a user knows when the apparatus is operating properly to produce the desired carbonated beverage, or when the gas cylinder is empty and in need of replacement.” See page 3 of the Office Action. The Examiner then turns to paragraph 0026 of Rona et al., which teaches “a means for indicating when the system is operating, when water is being heated or cooled, or when there is a carbonation error...” However, claim 4 requires a water level sensor which, when a given water level has been reached within the water container, activates a signal to indicate to a user that the water can now be carbonated. A means for indicating when a system is operating is not the same as a signal that indicates to a user that water in a water container is ready to be carbonated. Regardless, Rona et al. is not seen to teach or

suggest the system of claim 1, wherein still or carbonated water can be selectively dispensed from a water container through a dispenser.

With respect to claims 6 and 8, the Examiner notes that neither Rudick nor Crisp, III et al. discloses a safety pressure valve and switch means to avoid over-pressurization of the device. The Examiner then turns to Hancock et al., which discloses a low pressure carbonator and method. However, Hancock et al. is not seen to teach or suggest the presently claimed system wherein still or carbonated water can be selectively dispensed from a water container through a dispenser.

With respect to claim 9, the Examiner indicates that neither Rudick, Crisp, III et al., nor Hancock et al. teaches or suggests "an indicator means being provided so that a user knows when the apparatus is operating properly to produce the desired carbonated beverage." The Examiner then points to Rona et al. for the teaching of "indicators that allow the user to quickly tell when the apparatus is operating properly." However, claim 9 is not directed to such an indicator. Instead, claim 9 is directed to an indicator "advising the user that the water is carbonated and ready to be drawn off." Rona et al. simply does not teach such an indicator. Regardless, as previously discussed, none of the prior art references is seen to teach or suggest the system of claim 1, or new independent claim 11, wherein still or carbonated water can be selectively dispensed from a water container through a dispenser provided in a refrigerator door.

Based on the above remarks and amendments to the claims, which have been made without introducing any new matter to the application, the Applicant respectfully submits that the present invention is patentably defined over the prior art of record such that allowance of all claims and passage of the application to issue are respectfully requested.

Also submitted herewith is an Information Disclosure Statement making of record documents cited in the corresponding European application upon which priority is claimed. In connection with allowance of this application, consideration of these documents is requested. If the Examiner should have any additional questions or concerns regarding this matter, he is cordially invited to contact the undersigned at the number provided below in order to further prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Everett G. Diederiks, Jr.', is written over a horizontal line.

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